

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RICKY D. MANLEY,

Petitioner,

v.

JOHN COLEMAN,

Respondent.

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CASE NO. 3:13-CV-107

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On January 16, 2013, Petitioner Manley moved to vacate his sentence pursuant to [28 U.S.C. § 2254](#).^{1/} Petitioner said that prosecutorial misconduct occurred during closing argument when the prosecutor personally vouched for the credibility of state witnesses and denigrated the role and performance of defense counsel.^{2/} The Court referred the petition to Magistrate Judge Greg White for a Report and Recommendation.^{3/} On September 12, 2013, Magistrate Judge White issued a report recommending this Court deny the petition.^{4/} Petitioner Manley has not filed an objection. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **DENIES** Petitioner's motion.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{5/}

^{1/} Doc. [1](#).

^{2/} *Id.* at 5.

^{3/} Doc. [2](#).

^{4/} Doc. [6](#).

^{5/} [28 U.S.C. § 636\(b\)\(1\)](#).

Case No. 3:13-CV-107
Gwin, J.

Parties must file any objections to a Report and Recommendation within fourteen days of service.^{6/} Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation.^{7/} Absent objection, a district court may adopt the magistrate's report without review.^{8/} Moreover, having conducted its own review of the petition,^{9/} this Court agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court **DENIES** Petitioner's § 2254 petition. Moreover, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#) that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability.^{10/}

IT IS SO ORDERED.

Dated: February 18, 2014

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{6/} [Fed. R. Civ. P. 72\(a\)](#).

^{7/} *Id.*; see [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

^{8/} [Thomas](#), 474 U.S. at 149.

^{9/} Petitioner never filed a Traverse.

^{10/} [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).